IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 126 of 2003 (M/B)

Hardam Singh Chauhan,
s/o Sri Sher Singh,
R/o Village Haresheewala,
Tehsil and District Haridwar. …….. Petitioner

Versus

1. State of Uttaranchal
   through Secretary, Transportation,
   Dehradun.
2. Transport Commissioner of Uttaranchal
   228 Mohit Nagar,
   Dehradun.
3. ARTO Technical, Uttaranchal, Dehradun,
   228 Mohit Nagar,
   Dehradun. …… Respondents

Mr. Lok Pal Singh, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for the State of Uttaranchal.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M.Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Lok Pal Singh, Advocate for the petitioner.

Mr. J.P. Joshi, Addl, Chief Standing Counsel for the respondents.

2. petitioner Hardam Singh Chauhan has filed this writ petition styled as 'Public Interest Litigation' for the following reliefs:

> "i. Issue a writ order or direction in the nature of mandamus commanding and directing the respondents that they not issued the license to run the motor vehicle driving schools to anybody which not fulfils the requirements provided under section 12 of Motor Vehicle Act 1988 and rules framed thereunder.
>
> ii. Issue a writ order or direction against the persons to whom the license were issued to run the motor driving schools without fulfilling the requirements of section 12 of the Motors Vehicle Act and rules thereunder.
>
> iii. Issue a writ order or direction to the respondent no. 1 to hold enquiry in irregular issuance of license to the concerned parties and punish them for their illegal act.

iv. Issue a writ order or direction in the nature of mandamus commanding the respondents that they not issued to anyone to install the pollution checking machine at anywhere beyond the prescribed places and pass any such other direction which deem fit and proper for this purpose.

v. Cost of the writ petition be award in favour of petitioner against the respondents.

vi. Any other relief which this Hon'ble Court may deem fit and proper in the circumstances of the case may be passed in favour of petitioner."

3. The learned counsel for the petitioner frankly and fairly conceded that the petitioner has not spelt out any instance in the writ petition to demonstrate that licence for Motor Driving Schools was issued by the respondents in contravention of the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989.

4. The respondents, in their counter affidavit, have categorically stated that licenses for running Motor Driving School are being issued strictly in compliance with the provisions of the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989. The respondents have further stated in their counter affidavit that they have not received any complaint in regard to the issuance of any licence to a undeserving person or running of a Motor Driving School in contravention of the provisions of the Act and the Rules. In para 5 of the counter affidavit, it has further been stated that sufficient arrangement has been made for checking of the pollution level of the motor vehicles and the machines for that purpose have been installed at Petrol Pumps, Authorized Service Stations, Motor Garage and Automobile Dealers and Agencies and the fee for the test is Rs. 20/- only and the respondents have not received any complaint in regard to the excess levy in that behalf.

5. In this view of the matter, we are of the opinion that no directions in the writ petition filed as 'Public Interest Litigation' are necessary.

6. We hope that the respondents shall take appropriate action as and when any instance of issuance of a Motor Driving School licence in contravention of the provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 is brought to the notice of the

respondents by the petitioner with sufficient material in support of the complaint.

7. With the above observation, the writ petition stands disposed of.

(M.M.Ghildiyal, J.) **(Rajeev Gupta, C.J.)**
22.02.2006 **22.02.2006**

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